

REMARKS

Claim 69 is amended. New claims 73 and 74 are added. Claims 69-74 are pending in the application. The language of the new claims are supported by the originally-filed application at, for example, Fig. 21.

The title is amended, and as amended, is descriptive.

Claims 69-72 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takatsuka et al. (6,121,113).

Regarding the anticipation rejection against independent claim 69 based on Takatsuka, such claim is amended to recite an insulative material...having a portion outward of a trench and semiconductor substrate, the portion comprising an outermost upper surface elevationally above an uppermost surface of an oxide layer and sidewalls connecting the outermost upper surface with the oxide layer, the connection between the sidewalls and the oxide layer comprising second **curved corners**. The amendment language is supported by the originally-filed application at, for example, Fig. 21.

The Examiner is respectfully reminded that the PTO and Federal Circuit provide that §102 anticipation requires that *each and every element* of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of *any* claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Takatsuka teaches a protuberance 9a of silicon

oxide layer 9 over a trench 7 and intersecting a gate oxide layer 11 (col. 7, Ins. 13-60; Fig. 6l). However, the intersection between protuberance 9a and gate oxide layer 11 can not be stated to teach or suggest, in any fair or reasonable interpretation, a connection between the sidewalls [of the portion] and the oxide layer comprising second **curved corners** as recited in claim 69. Accordingly, Takatsuka fails to teach or suggest, singularly or in any combination with the art of record, a positively recited limitation of claim 69. Therefore, claim 69 is allowable.

Claims 70-74 depend from independent claim 69, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

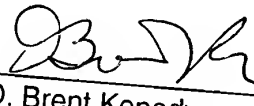
Further, Applicant herewith submits a duplicate copy of the Supplemental Information Disclosure Statement and Form PTO-1449 filed in this application on January 22, 2003. No initialed copy of the PTO-1449 has been received back from the Examiner. To the extent that the submitted references listed on the Form PTO-1449 have not already been considered, and the Form PTO-1449 has not been initialed with a copy being returned to Applicant, such examination and initialing is requested at this time, as well as return of a copy of the initialed Form PTO-1449 to the undersigned.

In view of the foregoing, allowance of all pending claims is requested. This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated

action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 5-21-03

By: 
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